

Remarks

The Drawings

Applicant respectfully submits replacement Figures, including Figure 4, to fulfill the drawing requirements. Applicant respectfully believes the replacement sheets submitted herewith overcome the drawing objections set forth on pages 2 and 3 of the office action, and Figure 4 is filed herewith, as required on page 4 of the office action.

Claim Rejections Under 35 USC 112

Claims 9-11 and 17 have been amended to overcome the “112” rejections set forth on page 4 of the office action.

Claim Rejections Under 35 USC 102

Claims 1-14 are rejected as being anticipated by Essers US 6,707,041.

Applicant notes that, under 35 USC 102(e), “A person shall be entitled to a patent unless—(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the Applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the Applicant for patent.”

Applicant respectfully does not concur with the rejection in view of Essers for the following reasons:

1) The present application pre-dates the reference to Essers ‘041. Specifically, Essers ‘041 is based, along a continuation in-part relationship, on a PCT application filed on November 29, 2000. Therefore, also under the former provisions the 102 date of Essers is the filing date of the PCT application, i.e., November 29, 2000. The present

application claims priority of a German patent application of July 7, 2000, which pre-dates the PCT filing date of the Essers reference. Therefore, the invention on which the present application is based must have been made before the 102 date of Essers '041. Independent claims 1 and 14 were included in the first German priority application filed on July 7, 2000. A verified translation of the German priority document can be provided to the Examiner if he so desires.

2) The claims of the present invention should be allowable over Essers. In regard to the art disclosed in Essers '041, it is clear that Essers '041 does not anticipate the present invention because the various detectors disclosed in Essers are designed only to detect light which is generated elsewhere, particularly in a gas cascade. Essers '041 does not teach providing a detector that is also able to directly detect electrons which impinge thereon. In that regard, it should be noted that reference numeral (56) in Essers '041 always refers to a light guide and not to a scintillator, as the office action states.

3) Essers '041 is not the invention of "another". Please note that the inventor of US 6,707,041 (Essers) is a co-inventor of the present patent application. Therefore, if the above arguments do not convince the Examiner that Essers '041 is not prior art that precludes the claims of the present application being allowable, then Applicant argues that under 35 USC 102(e), a person is entitled to a patent unless the invention was described in a patent granted on an application for patent by another. Since Essers is a co-inventor of the present application, Essers '041 is not the invention of "another" and is not a reasonable "102" rejection. A copy from PCT/EP/07431 correctly listing the inventors, including Essers, is included herewith.

Further Comments

Applicant respectfully brings to the USPTO's attention that the inventors for this application inaccurately records the inventors in the USPTO records, in that one of the inventors, David Bate (who was correctly listed as an inventor in the PCT filing), is not listed as a co-inventor. As soon as possible, Applicant will submit executed documents to correct this error in the USPTO records.

A three-month extension of time in which to respond to the outstanding Office Action is hereby requested. A PTO 2038 authorizing charging a credit card in the amount of \$1,020 is enclosed for the prescribed Large Entity three-month extension fee.

Wherefore further consideration and allowance of the application as amended is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2007.



M. Robert Kestenbaum